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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,593	04/21/2006	Francesco Ferraiolo	5405.P0027US	4111
23474 7590 07/11/2008 FLYNN THIEL BOUTELL & TANIS, P.C. 2026 RAMBLING ROAD KALAMAZOO, MI 49008-1631				
EXAMINER BONK, TERESA				
ART UNIT		PAPER NUMBER		
3725				
MAIL DATE		DELIVERY MODE		
07/11/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,593

Applicant(s)

FERRAILOLO, FRANCESCO

Examiner

TERESA BONK

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 15-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date 4/21/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22-25 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regards to claims 22 and 28, the phrase "loop-like" renders the claims indefinite because the claim includes elements not actually disclosed (those encompassed by "like"), thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Thommen, Jr. (US Patent 5,524,875). Thommen, Jr. discloses a protective wire net comprising an array of longitudinal wires (2) arranged side by side and each intertwined with at least one respective

adjacent longitudinal wire, further comprising one or more longitudinal metal cables each intertwined or interlaced with at least one adjacent longitudinal wire.

With regards to claim 16, Thommen, Jr. discloses wherein the one or more longitudinal metal cables (wire ropes, Column 4, lines 60-61) are interposed between the array of longitudinal wires (See attached copy of Figure 3 on page 5 of this Office Action).

With regards to claim 17, Thommen, Jr. further comprises a plurality of the longitudinal metal cables arranged at regular intervals relative to one another and alternating with one or more wires (See attached copy of Figure 3 on page 5 of this Office Action).

With regards to claim 18, Thommen, Jr. discloses wherein at least one of the longitudinal metal cables defines an edge of the net (See attached copy of Figure 3 on page 5 of this Office Action).

With regards to claim 19, Thommen, Jr., further comprises one or more transverse wires/metal cables (wire ropes, Column 4, lines 60-61) arranged in a transverse direction relative to the longitudinal wires and outside intertwining regions defined by portions of adjacent longitudinal wires which are bent around one another, the transverse wires/metal cables being intertwined or interlaced with one or more of the longitudinal wires (See attached copy of Figure 3 on page 5 of this Office Action).

With regards to claim 20, Thommen, Jr. discloses wherein the transverse cables comprise bent portions of the longitudinal cables (See attached copy of Figure 3 on page 5 of this Office Action).

With regards to claims 21 and 27, Thommen, Jr. further comprising anchoring means (17) for anchoring one or more transverse wires and/or metal cables to one or more longitudinal wires and/or longitudinal metal cables.

With regards to claims 22 and 28, Thommen, Jr. discloses wherein the anchoring means comprise at least one ring or eye, or a portion of longitudinal and/or transverse cable that is bent and secured to itself in order to form a loop-like element, which is provided on the longitudinal and/or transverse metal cables and through which at least one longitudinal wire or one longitudinal or transverse metal cable extends (See Loops 1-3 on attached copy of Figure 3 on page 5 of this Office Action).

With regards to claims 23 and 30-31, Thommen, Jr. further comprising coupling means comprising at least one longitudinal and/or transverse metal cable (6/7) so as to couple, in use, the wire net to other protective wire nets (Figure 3).

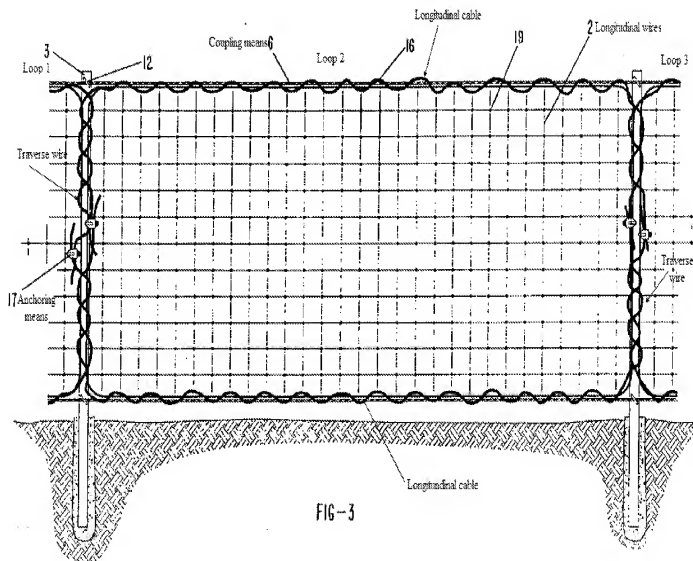
With regards to claim 24, Thommen, Jr. wherein the coupling means comprises one of the following elements: equivalent means.

With regards to claim 25, Thommen, Jr. discloses wherein the coupling means comprises coupling elements formed directly on one or more transverse cables (Figure 3).

With regards to claim 26, Thommen, Jr. discloses wherein it is a double-twist net with hexagonal meshes (Column 5, lines 10-13).

With regards to claim 29, Thommen, Jr. discloses a protective structure and fixing means (8) for fixing the net to a slope (Figure 2).

With regards to claim 32, Thommen, Jr. discloses an apparatus capable of the use of a protective wire net for the construction of a protective structure (Column 2, lines 39-41).



Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TERESA BONK whose telephone number is 571-272-1901. The examiner can normally be reached on M-F 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Derris H Banks/
Supervisory Patent Examiner, Art Unit 3725

Teresa M. Bonk
Examiner
Art Unit 3725